

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

GREENWICH INSURANCE COMPANY,)
and XL SPECIALITY INSURANCE)
COMPANY,)

Plaintiffs,)

v.)

Case No. 02:06-cv-00406

GOFF GROUP, INC., *et al.*)

Defendants.)

MOTION TO STAY PROCEEDINGS PURSUANT TO 11 U.S.C. § 362

Comes Now Susan Shirock DePaola, Trustee of the Bankruptcy Estate of the Goff Group, Inc., by her attorneys, Leonard N. Math and Chambless Math ❖ Carr, P.C. and moves this Court for a stay of proceedings and in support thereof states as follows:

1. On May 5, 2006, this action was commenced by the Plaintiffs seeking to set aside the transfer of certain real property from Defendant Goff Group, Inc. to John W. Goff and for other related relief.

2. On June 9, 2006, the Defendant, Goff Group, Inc. filed for relief under Chapter 7, Title 11 of the United States Code (hereinafter the "Bankruptcy Code") in the United States Bankruptcy Court for the Middle District of Alabama, Case No. 06-30676. On June 12, 2006, the Court appointed Susan Shirock DePaola as the Chapter 7 Trustee in the case.

3. Pursuant to 11 U.S.C. § 362(a)(1), the filing of the petition for relief operates as stay against the commencement or continuation of any legal proceedings to recover a claim against the debtor which arose before the commencement of the bankruptcy case.

4. Pursuant to 11 U.S.C. § 544, the Chapter 7 Trustee has the rights of a hypothetical lien creditor as of the date of the commencement of the bankruptcy case. As such the Chapter 7

Trustee has concurrent rights with the Plaintiffs to set aside any transfer of property of the Goff Group, Inc. pursuant to Code of Alabama, § 8-9A-1 *et seq.*

5. As the duly appointed Chapter 7 Trustee, Susan Shirock DePaola is entitled to a stay of these proceedings pending determination of the exercise or non-exercise of her powers under the Bankruptcy Code and state law.

WHEREFORE, Susan Shirock DePaola prays for an order staying these proceedings pending a determination of the exercise or non-exercise of her powers under the Bankruptcy Code, along with such further and other relief as the Court may deem proper.

SUSAN SHIROCK DEPAOLA,
Trustee of the Bankruptcy Estate of Goff Group,
Inc.,

s/ Leonard N. Math
Attorney for the Susan Shirock DePaola, Trustee of
the Bankruptcy Estate of Goff Group, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served on all attorneys of record by electronic notice and/or by depositing a copy thereof in the United States mail postage prepaid as follows on this 30th day of August 2006:

George Tommy Yearout
Paul K. Lavelle
Yearout, Spina & Lavelle, P.C.
1500 Urban Center Dr. Ste 450
Birmingham, AL 35242

Carey Bennett McRae
Joseph Doyle Horn
Adams and Reese, L.L.P.
2100 3rd Avenue North Ste. 1100
Birmingham, AL 35203

Keith Anderson Nelms
The Law Office of Jay Lewis
P.O. Box 5059
Montgomery, AL 36103

John W. Goff, Pro se
80 Technicenter Dr.
Montgomery, AL 36117

s/Leonard N. Math
Chambless Math ❖ Carr, P.C.